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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,119	02/28/2005	Heiko Ranzau	P-30,412 USA	6892
23307 7590 10/31/2007 SYNNESTVEDT & LECHNER, LLP 1101 MARKET STREET 26TH FLOOR PHILADELPHIA, PA 19107-2950			EXAMINER WOOD, ELLEN S	
			ART UNIT 4174	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,119	Applicant(s) RANZAU-ET AL.	
	Examiner Ellen S. Wood	Art Unit 4174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) 33-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 16-35 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/28/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 16-32, drawn to a sealing profile in the reply filed on 15 October 2007 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16, 20 and 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The instant claims use the phrases "wound profile". The instant Applicant does not give a definition in the specifications of what Applicant is applying when this phrase is used in the claims. When the Applicant is referring to the "wound profile" are they applying that the profile is hollow or that the profile is suffering from a wound? The Applicant fails to particularly point out and distinctly claim the property of the sealing profile in the instant claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 16-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gallas (EP 0 836 962).

In regards to claim 16, Gallas discloses a sealing strip for a motor vehicle door comprising a sealing section and a gripping section in which the sealing section is formed from two concentrically position portions (57). The gripping section is the adhesive region. The sealing section has two tubular members (24, 26) where the first tubular member surrounds a hollow space (28, FIG. 1). The inner portion is formed from a low density cellular material in which the majority of the cells are open. The outer portion is formed from a higher density cellular material in which the majority of the cells are closed (57). The low density material forming the inner portion provides elastic response necessary for good sealing combined with good compression and creep strength which ensures good sealing (col. 2 lines 48-52). The higher density material forming the outer portion provides moisture resistance and a smoother external appearance (col. 2 lines 53-55).

In regards to claim 17, Gallas discloses that the inner portion is produced by extrusion. Subsequently, the element is introduced into the crosshead of an extruder in order to coat the element with material of the outer portion (col. 3 lines 38-47).

In regards to claims 18 and 22, Gallas discloses a gripping portion that is made of a resilient material such as plastics or rubber material (col. 1-2 lines 58 and 1-2). Plastics and rubber materials are considered non-woven fiber materials. The gripping

portion is applied to the outer portion is applied to an outer surface of the outer portion (FIG. 1).

In regards to claims 19 and 23-24, Gallas discloses that the sealing section could be provided with a protective skin either by vulcanization for rubber seals or by co-extrusion in the case of thermoplastic seals (col. 3 lines 10-13).

In regards to 20 and 25-27, Gallas discloses what Examiner believes to be a wound profile (FIG. 1).

In regards to claims 31-32, Gallas discloses a sealing strip for a motor vehicle door comprising a sealing section and a gripping section in which the sealing section is formed from two concentrically position portions (57). The gripping section is the adhesive region. The sealing section has two tubular members (24, 26) where the first tubular member surrounds a hollow space (28, FIG. 1). The inner portion is formed from a low density cellular material in which the majority of the cells are open. The outer portion is formed from a higher density cellular material in which the majority of the cells are closed (57). The low density material forming the inner portion provides elastic response necessary for good sealing combined with good compression and creep strength which ensures good sealing (col. 2 lines 48-52). The higher density material forming the outer portion provides moisture resistance and a smoother external appearance (col. 2 lines 53-55).

Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen S. Wood whose telephone number is 571-272-3450. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm EST Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ellen S Wood
Examiner
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D. LAWRENCE TARAZANO
PRIMARY EXAMINER

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